

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ALAN D. O'BRYANT,

Plaintiff,

v.

**DR. PITTS (MEDICAL PROVIDER)
et al.,**

Defendants.

Case No. CIV-22-964-G

ORDER

Plaintiff Alan D. O'Bryant, a state prisoner appearing pro se, filed this federal civil rights action and an application seeking leave to proceed *in forma pauperis*. On March 3, 2023, the Court denied Plaintiff's application for leave to proceed *in forma pauperis* and advised Plaintiff that unless he paid the \$402.00 filing fee in full to the Clerk of the Court on or before March 24, 2023, or showed good cause for his failure to do so, this action was subject to dismissal without prejudice. *See* Order of Mar. 3, 2023 (Doc. No. 6) at 2.

As of this date, Plaintiff has not submitted his required filing fee, shown good cause for his failure to do so, or otherwise been in contact with the Court.

Plaintiff has had "ample time" to ensure compliance but has instead chosen to disregard the Court's Order. *Soeken v. Estep*, 270 F. App'x 734, 736 (10th Cir. 2008). Further, "[a] district court possesses broad discretion in determining whether to dismiss a petition without prejudice for failing to comply with court orders." *Id.* at 735-36; *see also Thornton v. Estep*, 209 F. App'x 755, 756-57 (10th Cir. 2006); *Adams v. Wiley*, 298 F. App'x 767, 768-69 (10th Cir. 2008). Accordingly, dismissal of this matter is warranted.

See LCvR 3.3(e) (prescribing that if an *in forma pauperis* application is denied, the litigant's "[f]ailure to pay the filing fees by the date specified, to seek a timely extension within which to make the payment, or to show cause in writing by the date specified for payment" "shall be cause for dismissal of the action without prejudice to refiling").

CONCLUSION

For the foregoing reasons, this action is DISMISSED without prejudice. A separate judgment shall be entered.

IT IS SO ORDERED this 27th day of September, 2023.


CHARLES B. GOODWIN
United States District Judge